



United States Mission to the OSCE

Right of Reply: Ukraine

As delivered by Ambassador Stephan M. Minikes
to the Permanent Council, Vienna
October 21, 2004

Thank you, Mr. Chairman.

At the September 30 meeting of the Permanent Council, the Ukrainian Delegation drew attention to ODIHR's September 28 Needs Assessment Mission Report on the upcoming November 2 U.S. general elections.

Our Ukrainian colleagues asked the United States Delegation to provide an update on what is being done in the United States to improve our electoral system. We believe that most of the answers were already given in the Needs Assessment Mission Report itself.

As the report notes, the very rapid passage of the 2002 Help America Vote Act is evidence of U.S. commitment to continuously improving our electoral system. This Act sets new minimum standards for certain aspects of elections for Federal office and makes billions of dollars available for developing and disseminating best practices, updating voting technology, training election officials, and educating voters.

The report also points to the powerful self-adjusting mechanisms in the United States, including our vibrant civil society and our very vibrant free press, both of which work to address any issues that may arise in our system. In addition, the U.S. judiciary is an independent system that can adjudicate challenges free from executive control.

As ODIHR noted, there are different polling procedures even within some U.S. states, including procedures for provisional ballots. The ODIHR report itself explains the decentralized nature of the U.S. election system. Such decentralization does not violate any OSCE commitment and makes our states and counties laboratories of democratic practice.

On the issue of the secrecy of the vote, we would note that those voters who choose to fax their ballots are doing so wholly voluntarily as a matter of convenience, and I might add that I am one of those. More traditional means of absentee voting, such as by mail, remain fully available to them, but their decision to vote by fax shows the confidence that they and I have in the system.

On the issue of non-partisan domestic observers, we are confronting this issue for the first time, and the ODIHR report notes that this is a recent development in the United States. Civil society has not in the past expressed interest in observing elections for federal office; but this issue is being addressed by civil society and state governments, which have full authority under Article 10 of the U.S. Constitution, and have the capability to devise appropriate procedures.

Mr. Chairman, the United States has never claimed that our electoral system is perfect, and we welcome the OSCE observation mission and its recommendations.

We reject, however, the tactics of some delegations who seek to divert attention from their own systematic failure to meet OSCE commitments and to follow up on ODIHR recommendations by drawing false parallels to relatively limited concerns in a tested democracy which is as healthy as that found in the United States.

In this vein, the U.S. Delegation would like to draw the attention of participating States to the statement issued by the State Department on October 14 on Ukraine's presidential election, which will be circulated with this intervention. It expresses our continuing concerns about the disruption of opposition activities, severely unbalanced state media coverage, the misuse of state resources on behalf of Prime Minister Yanukovich's campaign, and other violations of OSCE commitments.

Thank you very much, Mr. Chairman.